

HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1972(S/S)2001
(Old No. 35416 of 1998)

Bahoran Singh S/o Sri Ram Prasad Singh,
Resident of village Majra Chhedu (Sisauna),
P.O. & Tehsil Sitraganj,
At present working as Revenue Inspector,
At Khatima, District Udham Singh Nagar. ----- Petitioner.

Versus

1. State of U.P.
2. District Magistrate, Udham Singh Nagar,
3. Revenue Accounts Officer (Bhoo Lekha Adhikari),
Collectorate, Udham Singh Nagar. ----- Respondents.

Sri R.C. Tamta, learned counsel for the petitioner,
Learned Standing counsel for the State.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Ramesh Chandra Tamta, learned counsel for the petitioner and learned Standing Counsel for the State of Uttaranchal.

2. By the present writ petition, the petitioner has prayed for the following reliefs:-

- i. Issue a suitable writ or writs, order or direction including a writ in the nature of certiorari quashing the impugned order or reinstatement dated 7th April 1998 pertaining to the conditions of punishment to the petitioner passed by the respondent no. 2 (annexure no. 1 to the writ petition) and impugned order of reversion dated 4th May 1998 passed by the respondent nos. 2 & 3 (annexure no 2 to the writ petition),
- ii. Issue a suitable writ or writs, order or direction including a writ in the nature of mandamus

commanding the respondents not to give effect to the impugned order of reinstatement dated 7th April 1998 pertaining to the punishment to the petitioner and the impugned order of reversion dated 4th May 1998 passed by the respondent nos. 2 & 3 (annexures No. 1 and 2 respectively to the writ petition) and to pay the arrears of salary to the petitioner.

- iii. Issue such other suitable writ or writs, order or direction which this Hon'ble Court may deem just and proper in the circumstances of the case, and
- iv. Award cost to the petitioner as against the respondents.

3. Vide impugned order dated 7th April 1998, the District Magistrate, Ugham Singh Nagar awarded the following punishment to the petitioner after holding departmental proceedings:-

- 1. No other sum will be payable except the subsistence allowance during suspension period of the petitioner.
- 2. One increment of the petitioner was stopped without consequential effect in future, however it will not effect continuity of the services,
- 3. Censure entry was awarded in the character role of the petitioner.

4. By another order dated 4th May 1998 passed by the District Magistrate, the petitioner who was working entirely on officiating basis as Revenue Inspector (untrained) was directed to take charge on the post of Patwari in view of the fact that there was no post of Revenue Inspector vacant at the relevant time.

5. During the course of arguments, learned counsel for the petitioner has confined his prayer that the petitioner may be paid balance of salary for the period during which he remained under suspension. Since the order passed by the District Magistrate, after holding due inquiry against the petitioner, specifically states that the petitioner shall not be entitled for balance amount of salary for the period during which he was under suspension, no question arises for granting said relief to the petitioner. The petitioner could not show any ground to challenge the punishment order passed by the District Magistrate, U.S. Nagar. After going through the charges levelled against the petitioner and finding recorded by the disciplinary authority, I am of the opinion that the punishment awarded by the respondent is not, at all, shocking and, as such, the Court cannot interfere with the punishment awarded against the petitioner by the respondent no. 2. No other ground raised in assailing the order impugned. The writ petition is liable to be dismissed.

6. According, the writ petition is dismissed. No order as to costs.

(M.M. Ghildiyal, J.)

July 13, 2006:

NCM: